

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,)	CR 07-27-BU-DWM
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
CESAR LOPEZ-VASQUEZ,)	
)	
Defendant.)	
)	

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on August 16, 2007. Neither party objected and therefore they are not entitled to de novo review of the record. 28 U.S.C. § 636(b)(1); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error. McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." United States v. Syrax, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Lynch recommended this Court accept Cesar Lopez-

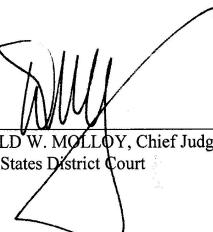
Vasquez's guilty plea after Lopez-Vasquez appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered his plea of guilty to the charge of illegal reentry of a deported alien in violation of 8 U.S.C. § 1326(a), as set forth in the indictment.

I find no clear error in Judge Lynch's Findings and Recommendation (dkt#19) and I adopt them in full.

Accordingly, IT IS HEREBY ORDERED that Defendant is adjudged guilty of Count I of the indictment.

IT IS FURTHER ORDERED that, in accordance with Judge Lynch's recommendation, the Court defers acceptance of the Plea Agreement until the Court has reviewed the Plea Agreement and the presentence report.

DATED this 22nd day of October, 2007.



DONALD W. MOLLOY, Chief Judge
United States District Court